

Dear sirs,

It is with great urgency that we write to you today. The situation in the Occupied Palestinian Territories (OPT) is critical and requires immediate international intervention in order to protect civilians. The latest Israeli military offensive, which began on 29 March 2002, has continued to intensify in Jenin, Nablus, Ramallah, Dura and other villages, towns, and refugee camps in the West Bank. This massive military operation has been characterised by a full-scale assault on the Palestinian civilian population; F16s, helicopter gunships, tanks, live ammunition – the full range of Israel’s military arsenal is currently being employed without discrimination in Palestinian refugee camps, villages, and towns. Hundreds of Palestinian civilians have been reported killed, with many hundreds more left injured. More than one million Palestinian people have been placed under curfew since the offensive began, resulting in a deepening humanitarian crisis as food, medicine, water and other emergency supplies have become increasingly scarce.

It is clear that diplomatic dialogue with Israel is insufficient to ensure that it respects its obligations as an Occupying Power under the Fourth Geneva Convention, which provides legal protections for Palestinian civilians living under occupation. Rather than taking measures to ensure their protection, all reports from this latest offensive and previous Israeli military practices indicate that the Israeli military is actually targeting the Palestinian civilian population. This deliberate targeting is demonstrable in several ways:

- An extremely high death toll among Palestinian civilians. Between 29 September 2000 and 11 April 2002, PCHR documented the deaths of at least 1,220 Palestinian non-combatants in the OPT, a number which does not include hundreds of recent reported killings in areas declared as “closed military zones” by Israeli occupying forces, where journalists, human rights workers, and humanitarian agencies have been denied access. Approximately 30,000 Palestinians have been injured, of whom at least one third have suffered permanent disabilities. According to LAW’s documentation, more than 80% of Palestinians killed during the Intifada, and 90% of those injured were civilians shot outside the context of any form of clashes. This is also evident in the disproportionate number of injuries to the head and upper body.
- The consistent use of excessive, indiscriminate force, including weaponry which cannot be directed at a specific target (such as flechette tank shells) or which it is known will cause excessive loss of life or injury to civilians or destruction of civilian property. In a statement issued by UNRWA on 7 April, the Commissioner General confirmed that Israeli helicopters have been “strafing civilian residential areas”, including with machine gun fire.
- Excessive and wanton destruction of civilian property and facilities. Since the beginning of the Intifada, Israeli occupying forces have demolished almost 600 homes and razed more than 15,000 dunums of agricultural land in the Gaza Strip alone (1 dunum is 1,000 square meters). Homes and property have been destroyed using bulldozers as well as military bombardment, including tank shells and missiles fired from helicopter gunships and F16 fighters. Reports from several international bodies have confirmed that recent Israeli

army attacks in Jenin have included extensive and wanton destruction of civilian homes, at times to facilitate access for Israeli tanks. UNRWA has estimated that 2000-3000 people in Jenin have been rendered homeless. In Ramallah, the premises of several human rights and other non-governmental organisations have been deliberately destroyed, including by tank fire, and Israeli forces have destroyed numerous computers, files, documents and equipment. Human rights organisations have also documented a number of cases of looting and vandalism by Israeli soldiers, including destruction of personal property and theft of valuables.

- The deliberate targeting of medical personnel and facilities. At least 17 medical personnel have been killed in the course of their duties during the Intifada, and at least 180 attacks on ambulances have been reported. A number of medical workers have been arrested, and many more than been beaten, harassed, obstructed. Hospitals, clinics, and other medical facilities have come under attack, including several which have been used as temporary military posts.
- The deliberate targeting of journalists. There have been at least 290 reported attacks on journalists since the beginning of the Intifada, resulting in 3 deaths and many injuries. Journalists have also been arrested, harassed, had equipment destroyed, and have been otherwise obstructed in their work.
- Deliberate destruction of infrastructure, including destruction of water, electricity, and sewage systems. Cutting off water and electricity is one of the first steps taken by Israeli forces in their incursions into Palestinian areas in recent weeks.
- Deliberate obstruction of emergency medical services. In addition to attacks on ambulances, Israeli occupying forces have refused entry to medical personnel and vehicles, including those bringing in emergency supplies, from the ICRC, UNRWA, Medecins Sans Frontieres and the Palestine Red Crescent Society. Israeli forces have refused to allow medical personnel to evacuate wounded persons, those requiring regular but essential medical treatment, and even corpses. Residents and medical staff have been unable to bury the dead, many of whom remain where they fell. This has been particularly prominent in the offensive against the Jenin and Nablus residential areas, including refugee camps. The ICRC, as the guardian of the Geneva Conventions, has a duty to provide humanitarian services in emergency areas, including during military operations. However, the services, both normal and emergency, provided by the ICRC in the OPTs have been consistently obstructed by the Israeli military throughout the territories. Such has been the obstruction during the last few weeks, the ICRC head of delegation in Tel Aviv reportedly stated that the Israeli army has “trampled” all over the Fourth Geneva Convention, and several public statements from the organisation have affirmed the total obstruction of many ICRC services by Israeli forces. The ICRC, as is the case with other international humanitarian relief operations, has been forced to scale down their operations in the West Bank following the consistent obstructions of the Israeli army and the actual targeting of their medical staff.

These actions amount to grave breaches of the Fourth Geneva Convention as defined in article 147, and war crimes as further detailed in the First Additional Protocol to the Geneva Conventions. Palestinian and other human rights organisations, including

international have identified a clear pattern of war crimes perpetrated by the Israeli military, particularly since the beginning of this Intifada. In recent months, weeks and days, specific incidents of war crimes have also been identified by international organisations. The ongoing and systematic perpetration of war crimes and other serious violations of the Fourth Geneva Convention and other international human rights and humanitarian law require immediate intervention by the international community. Under article 1 of the Fourth Geneva Convention, the High Contracting Parties have a specific obligation to ensure Israel's respect for the Convention, and to ensure the protection of Palestinian civilians. Not only has Israel consistently failed to uphold the principles of the Convention, but it is also actively and deliberately targeting the entire civilian population through clear policies of collective punishment, including closure, curfew, property and infrastructure destruction, and also through willful killing; mass arbitrary arrests and detentions, including denial of rights to a fair trial; torture and other cruel, inhuman and degrading treatment of detainees; willfully causing great suffering and serious injury to body and health; extensive destruction of civilian property carried out wantonly and unlawfully; denial of medical aid and services, including emergency evacuations through deliberate targeting of medical staff, services and facilities; and the deliberate and wanton destruction of sites of cultural and religious heritage, including the Church of the Nativity. Reports of recent war crimes, including in particular willful killings and extensive destruction of civilian property carried out wantonly and unlawfully, are being received on a daily basis from Palestinian civilian residential areas, including Jenin, Ramallah, and Nablus. However, the Israeli military's refusal to allow any access to independent observers, including reporters, medical and other relief staff has prevented any accurate documentation of the incidents currently unfolding. The Israeli Foreign Minister, Shimon Peres, was himself reported as stating earlier this week that there had been a massacre of Palestinians inside the Jenin refugee camp.

PCHR and LAW, along with other local, regional and international human rights organisations, express their grave concern at the parallels of the current military offensive with those employed by the Israeli military during their invasion of Lebanon. Many of the tactics used during the Lebanon war are again being employed, including: encircling civilian residential areas, cutting off electricity, water, sewage, communication networks, blocking all exits, total denial of access, including to medical personnel and supplies, mass arbitrary arrests, separation of men from women and children, wanton and extensive destruction of civilian homes and other facilities. The total failure to heed any warnings from the international community is also reminiscent of Israel's previous military operations, in which huge numbers of Palestinian civilians were killed. For many, the parallels in particular between the massacre at the Sabra and Shatila refugee camps in 1982 and the current military operations in Jenin and other West Bank towns show a frightening pattern emerging of willful killing of civilians through the use of heavy artillery and other weaponry, but also through the ongoing denial of access to emergency medical assistance and extensive destruction, including bulldozing of properties without full evacuation of those properties. As UN Secretary General Kofi Annan stated on 12 April, the situation now requires the immediate deployment of an international protection force, i.e. peace keepers, to ensure the immediate protection of civilian life and to ensure access to emergency humanitarian services and supplies.

Clearly, the High Contracting Parties have a duty to intervene immediately to ensure a halt to such attacks. The ongoing failure to do so only serves to encourage the Israeli military in its war crimes, and allows those responsible for such acts impunity for war crimes and crimes against humanity. Under article 146, the High Contracting Parties to the Fourth Geneva Convention have a specific duty to search for and prosecute those it believes responsible for grave breaches of the Convention. This specific obligation is complimented by the principle of universal jurisdiction for certain international crimes, which include war crimes and crimes against humanity. None of the High Contracting Parties to date have taken any concrete action in accordance with their obligation to ensure the protection of Palestinian civilians, or to search for and prosecute those responsible for grave breaches of the Convention, war crimes, committed against the Palestinian civilian population.

The ongoing conspiracy of silence among states, specifically the insistence on a policy of “constructive dialogue” with Israel, which has characterised the response of the international community to Israel’s ongoing gross and systematic violations of international human rights and humanitarian law, including war crimes, has directly allowed the situation in the Occupied Palestinian Territories to deteriorate to the current unprecedented level of violence against Palestinian civilians. PCHR and LAW further assert that without immediate international intervention this current situation will only continue to deteriorate. PCHR and LAW call once again on the High Contracting Parties to the Fourth Geneva Convention to break this conspiracy of silence; take immediate effective action to ensure the protection of Palestinian civilians, including the immediate deployment of an international protection force, and economic sanctions and other pressures to ensure Israel accepts and cooperates with such a force; and search for and prosecute those responsible for grave breaches in accordance with their legal and moral duty, including through the establishment of a War Crimes Tribunal. PCHR and LAW welcome recent steps by several High Contracting Parties, namely Germany and the UK, to halt arms sales to Israel, and further call on all High Contracting Parties to immediately desist from aiding and abetting the perpetration of war crimes and crimes against humanity, including through the provision of arms, and military training and support

In light of Israel’s consistent failure to adhere to the calls of the international community to halt its current and ongoing military actions against Palestinian civilians, PCHR and LAW specifically call upon the High Contracting Parties to;

- Immediately deploy an independent protection force with the power to intervene to protect Palestinian civilians.
- Exert pressure on the government of Israel to accept and cooperate with such a protection force, in particular through the imposition of comprehensive sanctions, including economic.
- Impose an immediate arms embargo on Israel, including the halt to all military cooperation, training and support.
- Initiate investigations into grave breaches and other violations of the Fourth Geneva Convention which have been and are currently being perpetrated against Palestinian civilians and to search for and prosecute those responsible for such acts, including through the establishment of a War Crimes Tribunal.
- Provide immediate humanitarian assistance, including through donations to international agencies providing emergency humanitarian relief to Palestinian civilians.

We expect that the urgent nature of the situation here in the Occupied Palestinian Territories will elicit an urgent response.

Yours sincerely,

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